



(99)

2013

MUTAH UNIVERSITY

Deanship of Graduate Studies



جامعة مؤتة
عمادة الدراسات العليا

نموذج رقم (14)

قرار إجازة رسالة جامعية

تقرر إجازة الرسالة المقدمة من الطالب عامر محمد الضمور الموسومة بـ:

التوازن العقدي في عقد المقابلة الموحد للمشاريع الانشائية الحكومية وفقاً

لنموذج الصادر عن وزارة الأشغال (الفيديك 99)

استكمالاً لمتطلبات الحصول على درجة الماجستير في القانون.

القسم: القانون الخاص.

التوقيع	التاريخ	
	2013/07/28	أ.د. مصلح أحمد الطراونة
	2013/07/28	أ.د. جعفر محمود المغربي
	2013/07/28	د. بامل محمود النوايسة
	2013/07/28	د. فيصل الشرابي

رئيس عميد الدراسات العليا

أ.د. عبد الفتاح خليفات



MUTAH-KARAK-JORDAN

Postal Code: 61710

TEL :03/2372380-99

Ext. 5328-5330

FAX:03/ 2375694

e-mail:

dgs@mutah.edu.jo

sedgs@mutah.edu.jo

<http://www.mutah.edu.jo/gradest/derasat.htm>

مؤتة - الكرك - الأردن

الرمز البريدي: 61710

تلفون: 03/2372380-99

فراعي: 5328-5330

فاكس: 03/2 375694

البريد الإلكتروني

الصفحة الإلكترونية

• • • • •

• • • • •

• • • • •

• • • • •

• • • • •

• • •

• • • • •

•

.....

• • • • •

• • • • •

• • • • •

• • • • •

• • • • •

•

• • • • •

1		
6)	:
		(99
7		1.1
8		1.1.1
18		2.1.1
34	(99)	2.1
34	(99)	1.2.1
48	(99)	2.2.1
53	(99)	3.2.1
59		4.2.1
66		:
	(99)	
67		1.2
68		1.1.2
76		1.1.1.2
99		2.1.1.2

130		2.2
	99	
131		3.2
	(99)	
155		4.2
156		1.4.2
164		2.4.2
176		
181		

181	GENERAL PROVISIONS	
199	()	7
	Performance Guarantee	
201	Appendix to Tender	2
205	Form of Contract Agreement	
208	Letter of Tender	

(99)

2013

.

)

)

((1999

.

Abstract

Contract Balance in Unified Entrepreneurship Contract for Government Construction Projects According to the Model Issued by the Ministry of Works (FIDIC 99)

**Amer mohamad aldmour
Mu'tah, 2013**

In spite of the fact that a contract, under the principle of contractual freedom, is essentially a pair of equal and free wills looking into and discussing the clauses of the contract, it is still the case that the Model Contract is still written by the party who has all the bargaining power, just like Adhesion Contracts with all its arbitrary conditions. This is a serious matter as it violates the principle of equality. Furthermore, given that the management of the contract is in the hands of the more powerful party, the updating process of these contracts has added nothing but additional arbitrary conditions against the less powerful party.

In view of this situation, the range of equality violations in the FIDIC 1999 in Jordan is the topic investigated in this thesis. FIDIC is especially significant because it involves the public construction sector financed by the government with an impact on other sectors. Moreover, it is a Model Contract in which the second party does not have the right to negotiate the contract's terms and obligations. The owner (The Ministry of Public Works and Housing) has adopted a translated version the conditions of which he has modified without consulting people of technical and legal expertise. Functioning under the Common Law, the owner should have set the example to the private sector in adhering to the principle of contractual equality. The present thesis is a study investigation the FIDIC 1999 terms, the rights and duties of the parties, the violation of contractual equality through comparing rights of the parties and looking for instances of such a violation with the aim of identify the trouble spots and proposing recommendations to rectify faulty aspects of the contract.

)
()
()

.

)
(

.

.

:

.

.

.

.

:

.

.

()

)

(

()

.

.

:

.

2010

:

:

(1999)

.

()

(2008)

()

1992

2002

1996

(1987)

(2004)

(2008)

—)

.(4

-1999

(1987)

(2008)

(2002)

.()

(99)

(1)

.

(2)

.

()

-

)

(780) (1)

.(

) (2)

:

.51 - . 2001 - . - .)

-

.

. ()

1.1

.

(us corps engineers)

(FIDIC)

(FIEEFITP)

(RIBA)

(1)

(2)

()

.

.

1.1.1

.

(1)

www.eastlaws.com

(840-780)

(2)

.

(99)

.(99)

(99)

:

1913

()

(CICD)

(ASIC)

(CICF)

(Ghent)

.(1)

.1

.2

.3

.4

.5

()

(1999)

(1)

.33 2012

1914

(1)

)

()

(2)(

(3)

()

1957

(4)(Conditions of contract for civil engineering work)

:

(1)

.2002 ()

(2)

1999

. 34

(3)

(4)

.17 2008

1956

(ICE)

The Institution of Civil Engineering the United
Kingdom (I.C.E)

(1)

()

(ICE)

(2)

1969

(AGC)

.

-

1977

-

(ICE)

(2004)

(1)

.124

(2)

.125

(1)

1987

)

1996

()

(

)

(2)

1999

()

) the new fidic-rainbow:

(

.126

(1)

.125 127

(2)

()

-) :

-) (

-) (

) (

(1)(

1995

.

1978

1999

1996

(99)

2001

()

(2)

.

(1)

-

.76-75

2007

1

-

(99)

(2)

. 12

2004 ()

) (1999)

(1999

(2007)

(2005)

(2008)

(8/13)

.

.

()

.

(1) (2010) (28)
 (14)
 (2012)
 () :)
) ()
 (1999) ()
 (99)
 ()
 (2013)
 (99) :
 ()
 .

 () (1)

-780)

(804

:

(908-780)

-465)

(657

(779-658)

(1)

(915-909)

(1017-950)

) (87)

.(

(1)

.35 1 1987

) (780)

(FIDIC) (FIDIC)

:
(FEDERATION INTERNATIONAL DES INGENIEURS
CONSFILS)

(FIDIC)
(FIDIC)

(1)

(FIDIC)
(1\1\1\1)

- -

.(

(1)

.17

1/1/1/10 1/1/1/2

1995

.

(99)
)

(99)

()

)

(
.(

2.1.1

.

(99)

:

(804-780)

(782)

(89)

(1)

(2)

(3)

(4)

(5)

(782)

.65

(1)

(2)

.8

(3)

.43 1974

(2008)

(4)

.70

(100)

(5)

(1)

(2) .

(3)

(4) .

.(66)

(1)

(2)

.(57)

(3)

.(48)

.(62)

(4)

(137) (141)

(148) (144) (143)
(149) (147)

(145)
(153)

.

.

(1)

(2)

(1)
.93 1987
(2)

(781)

:

.1

.

.(

.2

(3/5/1/1)

:)

()

(

()

:

(2/1/1)

(Parties And Persons)

()

()

(1/2/1/1)

()

(3/2/1/1) (2/2/1/1)

(4/2/1/1)

.14 2002

.

: .1

(804-780)

.

(2/2/1/1)

)

(

(1)

.

(6/2\1\1)

.

.

(1)

.302

(3/2/1/1) : .2
()) (99)

.(

) 1987

.(

)

⁽¹⁾.(

—

—

⁽²⁾.

(3/2/1/1)

:

) (8/2/1/1) : .1

(

. (1/5)

.(200) ()

(1)

(1999)

(2)

.48

(7/2/1/1) : .2

(4/2/1/1) : .3
)

.(4/3

(1)

(2) .

)
(

.

1914

(1)

.145 2004

.3 () (2)

)

(1). (

)

(2). (

(99)

(3) .

.186

1998

(1)

(2)

.69

.41

(3)

(99)

(1)
.

(1\3)

)

.

.46 (99)

(1)

:

.1

.

.2

.

.3

)

(

.(

(1)

(2) .

(1)

(2/3)

(2)

()

()
(1999)

2004/2/24

948

(

.2004/6/1

()

.

71

(33)

(1) 1986

(2) .

.

.2143 1986\12\1 (3439)
)

(33)

(1)

(2)

:

.(

(99) :

1999

1958

(1) .

.(2) 1999

) (.1

/ /

(3) .

:() .2

.38

.38

.1

(1)

(2)

(3)

/

(1).

)

.3

:(

/

/

/

(2).

—

)

.4

:(

.21

(1)

(2)

.24 2005

(B.O.T)

(1) .

(2)

/)

()

()

.(

(99)

()

.

2010 (B.O.T)

(1)

.29

(2)

.21

(99)

2.1

.

(99)

1.2.1

.

:

:

$$-780) \qquad \qquad \qquad : \qquad \qquad \qquad .1$$

$$^{(1)}.(804$$

$$: \qquad \qquad \qquad .2$$

$$^{(2)}.$$

$$:$$

$$.$$

$$^{(3)}.$$

$$:$$

$$.3$$

$$.(15 \ 16)$$

$$.(1/8)$$

$$.12$$

$$^{(1)}$$

$$^{(2)}$$

$$^{(3)}$$

.

(1)

"

"

.

(2)

.

(-1/3)

(5-1)

(1994)

(1)

.84

(2)

.49

)

.(

.

: .4

.

(1).

) 780

.(

(1)

\

.163 2000

(1)

(2/1)

:

:

)

-

-

"

"

"

"

-

"

"

"

"

"

"

-

.(

()

(3)

(2)

1986

(71)

(1)

(5-1)

(2)

.(4/1/11/1)

) : (1-5)
) (

(14)

()

.

.(

.

(3/1/1/1)

)

.

"

"

"

"

(

(2/3/1/1)

42

) (2/4)

(14)

.(

.

) (1/1/1/1)

()

(

) (2/1/1/1)

)

((6/1)

()

(

)

(6/1)

(28)

.(

(3/1/1/1)

.

(2/1/1/1)

()

(1-5)

14

(28)

.

.

(1)

. () (1)

$(2\backslash4)$

$(1/15)$

$(4/15)$

$(4/16)$

$(1\backslash16)$

(90)

$(3 \setminus 16)$
 $(5 \setminus 15)$
 $((6 \setminus 19)$

$(6 \setminus 19)$

$(5 \setminus 15)$

.

;(1) .5

()

(2)

.

: .3

(3).

(4).

(1)

) 2002\5\19 2002\1058

.(

.17 (2)

.17 (3)

(4)

.36 ()

(1) .
 : .4
)
 . (782
 .(2) .5

.(581-557) (1)
 .17 (2)

·
(standard form contract) .6

(1)

· (2)

·

(1)

- 1999 -)
.(2008)

.428 (1946) (2)

()

⁽¹⁾()

.

(99)

.10

(1)

(1)

.

(99)

2.2.1

.

)

:

:

.⁽²⁾(

)

(

)

.⁽³⁾(

:

(1)

.79 (1991)

(2)

.279 (2012)

(3)

: .1

(1)

.

:

.2

)

(2)

.

:

.3

.56 1987 (1)

.62 (2)

(1)

·

:

(1)

)

()

()

.63 (1)

.109 2010 - (2)

.()

1986 71

.279

1)

(9)

(2)

(

51

28

(99)

3.2.1

.

:

:

.

)

.⁽¹⁾(

.⁽²⁾

)

(204)

.229 1992

1

(1)

(2)

. 2011

.(

.

:

:

.

.

.

.

(1)
.

(1)

. 119 1984

•

10

(23\78)

)

(35)

)

(35)

.(

(1)

.59

1998

.122

1998

(2)

1 (96-95)

1995

1978

1993

26

.

(1\132)

)

1995

.(

1977

⁽¹⁾Terms ast 1977 The unfair Contracts

1977

.

(2)

(2)

(

)

.441

(1)

.

4.2.1

:

:

(1).

(832- 805)

)

(805)

(

(2).

)

(3)(

()

(1)

.

(2)

.(13)

(3)

.(1985)

()

(1)
.

1960 (21)

:

(26)

(818)

(28)

.(32)

(1)

810)

(1).

(813

(15)

(51)

.

.

:

;(2)

.1

.

2001/10/9

() 2001/1137

()

(1)

() 2003/4557

.2004/8/16

(2)

.14

.

.2

(1).

.3

.

.4

()

()

. (817)

(1)

.22 2005

(780)

(1).

(805)

()

)

.(

()

.

.

()

.

() 1986/458

()

(1)

1986/10/23

.

()

()

(/1/3)

)

)

(

.(

/

.

:	.	.1
	.	(1/3)
		.2
	.	.3
	.	.4
)	(
.		
.		()
.		

(99)

·
() :

(1)

(2)

·

·

.30

(1)

(2)

.86 1978

.

.

(99)

)

(

.

.()

1.2

1.1.2

:

(1)

(2010)

(5-1)

(2)

.1

.2

.3

	.(36)	(1)
1986	(71)	(2)

.
 :
 :
 .
) (1/1/1/1)
 ()
 (

(1)
 (2)

.

.

. /

 (5-1) ⁽¹⁾
 . (5/1) ⁽²⁾

.

(1) .

.

.

:

(2) .

.

.

10/1/1/1	(1)
(3 4)	(2)

.
: .1

(1)

.2

(2)

() (90)

(3)

. (1)
 (6-3) (2)
 (3-4) (3)

.

%3

(1)

(3/4)

.

.3

-4) (1-4)

.

(3

(1_ /2-4)

(1-5)

(2/4)

(1)

.

$$(1 - \sqrt{2} - 4)$$

$$- \sqrt{2} - 4)$$

$$(1 - \sqrt{2} - 4)$$

$$(3 - \sqrt{2} - 4) (2$$

$$(1 - \sqrt{2} - 4)$$

$$90$$

$$(1)$$

$$90)$$

$$(8) \quad (1)$$

(

(1)

.

.

:

.2012/9/16

9/5/ /3489

(1)

.1

(1) .

:

.2

-

.

-

.

-

.

-

. %5 %3

-

-

14

()

(2) .

.

(3) ⁽¹⁾

(1-5) ⁽²⁾

1.1.1.2

(797-792)

(99)

(99)

.(1)

.1

.2

.3

:

.(2)

:

:

.

(99)

(1/2)

(3)

) :

793 792 (1)

. 99 (6/1) (2)

) 99 (7/6/1/1) (3)

.(

(1)

.(

(1)

99

"7"

(1/8)

) :

(7)

(42)

.(..

(35)

(7)

.() (1)

(1/2)

.⁽¹⁾

(1/2)

(3/8)

(3/8)

(3/8)

28

. (7)

(1/8)

(7)

(1/8)

.

(1999)

(1)

.111

(2/2)

) :

99

"

—

:

"

.1

.

.2

.(...

:

(/2/2)

(2/2)

.

(1)

(2)

(3)

(4)

:

.3

(10/4)

)

99

.

(/13/1)

(1)

(2/ /2/2)

(2)

(3/ /2/2)

(3)

(4)

.307

$$\begin{array}{c} \cdot \\ \cdot \end{array} \qquad \qquad \qquad .4$$

$$(\ /6/4) \ (\ /6/4) \ (\ /\ /3/2)$$

$$\begin{array}{c} (1) \\ \cdot \end{array}$$

$$.99$$

$$(\ /\ /3/2) \qquad (1)$$

.

(1)

(2)

.

(3)

(4)

.

99

.	(/8/4)	(1)
.	(/8/4)	(2)
.	(/8/4)	(3)
.	(/18/4) (/3/2)	(4)

(1)

:

)

(793)

.(

(2/14)

)

)

(

...

.(...

:(2)

.1

.

(1999)

(1)

.118

1999

(2)

.119

.2

()

.

(7/14)

)

21

42

2/14

"

" 2/4

.(

"

"

42

21

21

21

.(1)

(4/14) (2/14)

(1)

(1)

.

%9

(8/14)

(2/14)

(2/16)

(7/14)

42

.

14

(98)

42

%9

.

8

:

(1999)

(1)

.120

:

.

(3/6/1/1)

)

- -

.(

)

(4/20)

"

- - "

.(..

)

(3/5/1/1)

"

"

- -

.(

.

(/20/4)

()

.
(/20/4)

.

.

)

(793)

.(

.

(1)

(/7/14)

56

.

.

(1/16)

(/7/14)

(6/14)

(2/16)

(

%9

(8/14)

(/7/14)

56

(1/2)

28

.

(4/14)

....)

(6/14)

(1)

(42)

.(

()

()

(8/14)

)

() (7/14)

) (7/14)

(

.(

%3

(1)

(%9)

.

%40

(2)

.

%40

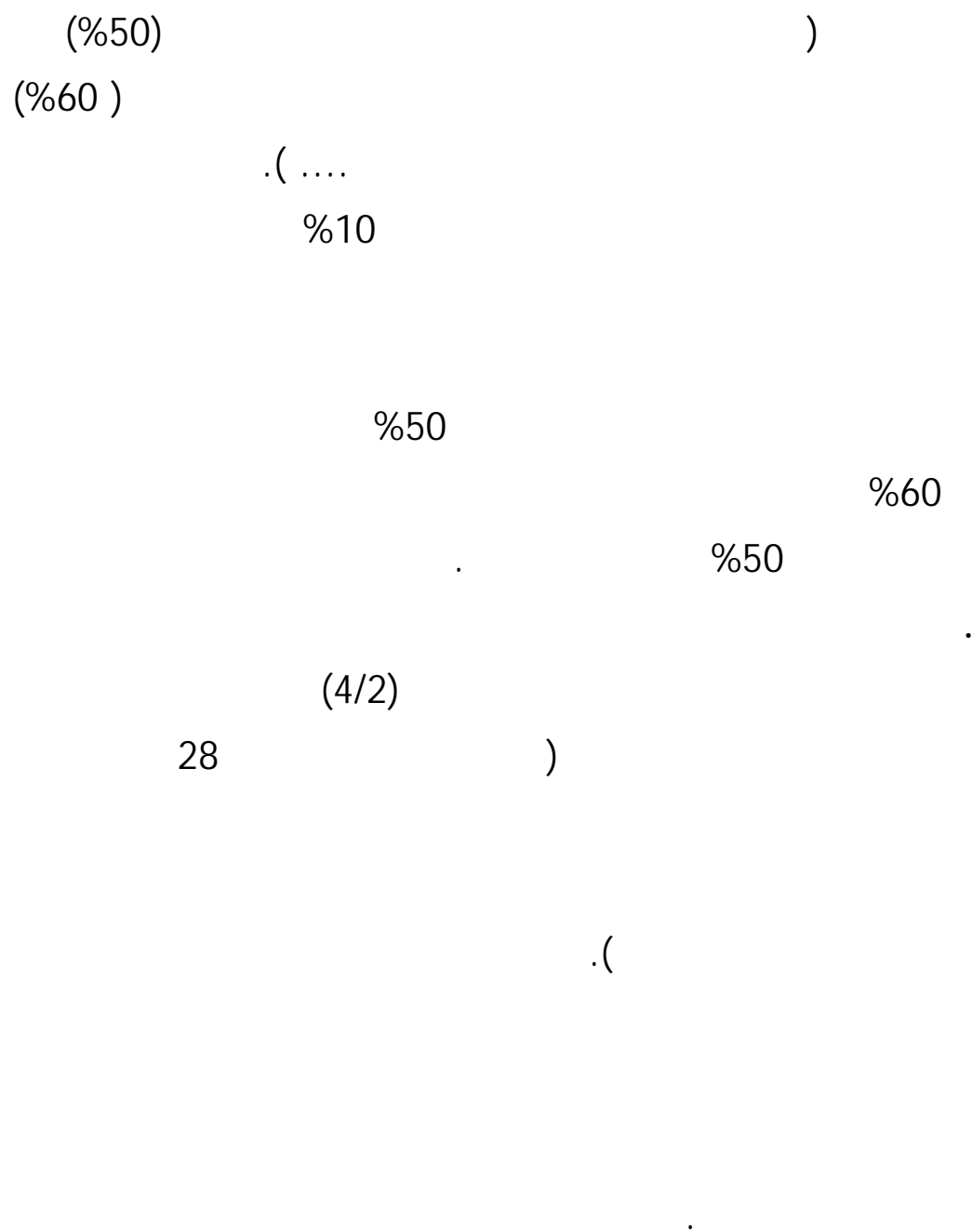
(9/14)

.129 99

(1)

(2)

.343



(1)

28

(4|2)

:

(1)

(27)

.()

()

(792)
)

.(

.

.(1)

(6/3/1/1)

.(2)

.135

(1)

(2)

.359

(1)
.

(2)

.

(3)
.

:(4)
:

. (2/10) (1)

(2)

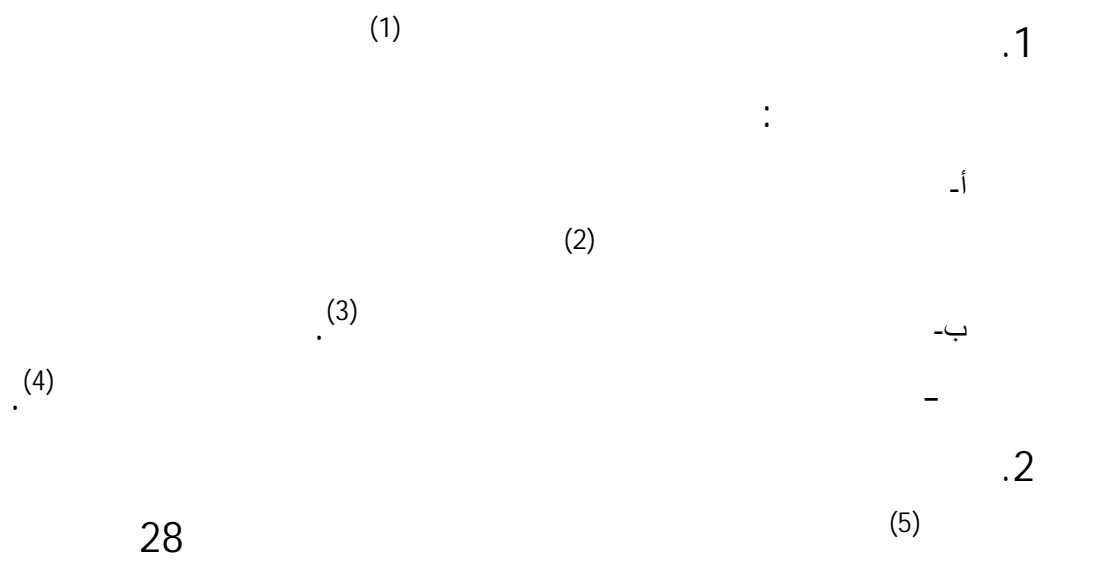
.125 2008

(3)

.123

.135 99

(4)



(1)	(1/10)	(1)
(2)	(2/8)	(2)
(3)	(/2/8)	(3)
(4)	(/2/8)	(4)
(5)	(1/10)	(5)
(6)		(6)

.177

.

(1)
.

)

(792)

.(

(1)

.365-364

(1)

.

%10

.

(2)

.

:

.1

(1)

.314

1999

(2)

.140

28

(1)

(9/11)

.2

56

(2)

56

(3)

(9/11)	(1)
(11/14)	(2)
(7/14)	(3)

28

56

.

2.1.1.2

.

28

.

(99)

.

(788)

.(99)

.

:

.(1)

.

.

:

(1\4)

:

.1

)

(....(

)

1999

(1)

.174

(99)

.

(1)

.

(7/4)

:

.2

)

(

(2)

.

(10/4)

.

(3)

.

(1/4)

(1)

.41

(2)

(15/4)

(3)

.(1)

.3

(784)

(1/4)

:

:()

.1

)

%10

.(2)(

1999

(1)

.179

(2)

.194

)

(

(1)

)

(2/4)

(

.

.

(2)

.

:

-

(1-5)

.

(/2/15)

(1)

.

(/2/15)

(2)

(2/4)

-

(
(/2/15)

(2/15)

)

/

.(

(2-4) (1-5)

.

.

: .2

(3/8) (1)

)

28

(2)
.

.66

(1)

(/1/8) (2)

(/3/8)

14

.

21

21

(1)
.

(3/4)

:

.3

)

.(

(/1/8)

(1)

.

(1)
.

(3/4)

(3/4)

(9/6)

(2)

.

:

:

:

.

1999

(1)

.186

1999

(2)

.58

(1)	1	
(2)		
(3)	1	
(4)	2	
(5)	3	
(6)		
(7)		
1999		(1)
(1999)	.188	(2)
	.188	(3)
	.207	(4)
	(/6/4)	(5)
	(6/4)	(6)
	(19/4)	(7)



.	(1/7)	(1)
.	(8/8)	(2)
.	(8/8)	(3)
.	(2/8)	(4)
.	(1/4)	(5)

:

.2

:

:

-f

(1)

.

(4/7)

.(2)

(1/9)

:

.1

)

(4/7)

24

.(

()

(1)

.4

(2)

1999

.192

(1)

(2/9)

: 1\9

:

.2

.(2)

(3)

.(4)

21

.(5)

14

.(6)

(1999)

.194

.(5/2) (6/7)	(1)
	(2)
(1/4)	(3)
(1/4) (1/9)	(4)
(1/9)	(5)
	(6)

) (2/9)

(3/10) (4/7)

.(.....

.

.(1)

.

21

.(2)

:

بـ-

(20/4)

.

(2/7)

:

تـ-

.

.((1/9)	(1)
	(/1/9)	(2)

: .1

%35

%65

. (1)

. (2)

(5/7)

(1/11)

.

. (3)

(1)

.340 86

(2)

.238

. (2/11)

(3)

(1)

)

%5

(

(2)

:

.2

(3)

(4)

.	(8/11)	(1)
.	(4/11)	(2)
.	(3/3)	(3)
.	(1/13)	(4)

(1/12)

(1)
.

:(2) :

(3)

:
: .1

(4)

.

)

.201

(1/13) (1)

(2)

(1999

. (1/13) (3)

. (13/1) (4)

(1)

(2)

:

.2

:

-i

)

(3)

(

(

)

(16)

(/4/1)

(1)

(4/4)

(2)

. 95

(3)

(1)

.1996 8
(3/6)

() (/2/15)

(2)

(3)

)

(1)

.205

(1999

(1999)

(2)

.207

(1999)

(3)

.55

(1)
.

(2)

(3)

(4)

(5)
.

-ب-

:

(8/4)

.	(5/6)	(1)
.	(7/6)	(2)
.	(7/6)	(3)
.	(10/6)	(4)
.	(10/6)	(5)

.

.

(1)

.

(2)

.

(3)

<hr/>		
.	(18/4)	(1)
		(2)
	.87	
.	(18/4)	(3)

(1)

.

:

:

(3/1)

.

:

.1

(2)

28

(3)

.

(23/4)

(1)

.

(2)

)

.225

(1999

(1/20)

(3)

.

							.2
						(1)	
							.3
	(2)						.4
					(3)		
		28					.5
					(4)		
							.6
				(5)			
		21					.7
	(6)						
							.8
	(7)						

.	(9/1)	(1)
.	(/4/1)	(2)
.	(3/4)	(3)
.	(/4/4)	(4)
.	(12/4)	(5)
.	(16/4)	(6)
.	(24/4)	(7)

			.9
	(1)	.	
			.10
(2)		.	
			.11
	(3)	.	
			.12
		(4)	.
	21		.13
	(5)	41	.
	14		.14
(6)		.	
			.15
	(7)	21	.

.	(24/4)	(1)
.	(2/5)	(2)
.	(3/8)	(3)
.	(3/8)	(4)
.	(1/9)	(5)
.	(1/12)	(6)
.	(1/1/16)	(7)

			.16
(1)	.		
	14		.17
		(2)	.
			.18
84			
7		140	
		(3)	.
			.19
(4)	.		
			.20
		(5)	.
			.21
28			
	(6)	.	

.	(1/1/6)	(1)
.	(2/19)	(2)
.	(6/19)	(3)
.	(7/19)	(4)
.	(2/3/19)	(5)
.	(1/1/20)	(6)

.(1)

.

:

:

-

.(21/7)

-

.(2)

-

.(3)

-

)

(1)

.229

(1999

.(21/4) (2)

.(6/13) (3)

•

—

•

•

•

•

•

من قبل المهندس وفقا

(

.(1)

-2

.(2)

.(3)

-3

.(4)

99

(21)

1992-1987

(5)

.(4/5)	(1)
(/8/7)	(2)
	(3)

)

.233

(1999

.169 2007

(4)

(5)

327

.119

(99)

:

(1/18)

(...)

.

(1/18)

.

(1)

.

()

:

()

:

()

.

)

(3/14)

6 (

18

(1)

$$\begin{array}{r} \text{.}^{(1)} \\ (\quad) \end{array} \quad -1$$

84

$$\begin{array}{r} \text{.}^{(2)} \\ \end{array} \quad -2$$

28

$$\begin{array}{r} \text{.}^{(3)} \\ \end{array} \quad -3$$

$$(\quad)$$

$$\text{.}^{(4)}$$

.

$$\text{.}^{(5)}$$

	$(1/10)$	$(2/8)$	(1)
$(\quad + \quad + /10/14)$	$(1/14)$		(2)
	$(9/11)$		(3)
$(141/14)$	$(2/14)$		(4)
$.120$			(5)

(1)

(2)

28

(3)

(4)

.128

	(1)
(2/8)	(2)
(11/11)	(3)
(23/4)	(4)

99

2.2

99

3.2

(99)

.

.

:

:

.

(FIDIC)

(1)

.

(99)

.

(1)

.

.

()

:

(4/2)

-1

28

)

-

-

.(

(4/2)

)

.(

!

(2009)

.

.

.

21

(1/16)

(42)

(/2/16)

(1/16)

(/2/16)

.

)

(/2/16)

(

.

(2/1)

-2

)

''

(

%5

''

.(-4/16)

(

)

%5

(2/1)

) (/4/16)

(

.

%5

.

(4/3)

-3

)

42

.(

):

28

14

.(

(28)

(48)

$$\begin{array}{rcl}
 & & \cdot \\
 & & (2\sqrt{4}) \\
 & & \cdot \\
 & (&) \quad -4 \\
 & & (2/4) \\
 28 & &) \\
 \cdot (& & \\
 14 & &) \\
 & & \cdot (
 \end{array}$$

15

.

%40

%40

%20

.

.

()

:

.

(1)

.

:

.

.()

(1)

$(3/4)$

:

-1

...)

.(....

.

$(4/3)$

...):

14

.

.(

$(4/3)$

.

-2

$\dots)$

$(20/4)$

$.($

.

.

$(2/7)$

-3

)

.(....

$(1/10)$

.($-1/3$)

-4

28

28

(1)

(1/10)

.

.

(28)

.

)

(9/11)

-5

()

28

()

.27

(1/10)

(1)

.(

%5

.

28

(28)

(2/4)

(4/2)

-6

(4/2)

..)

.

(2/4)

14

28

.

14

.

.

-7

-8

(/7/14)

(56)

(6/14)

(28)

%10

⁽¹⁾%9

(56)

(21)

(56)

(8/14)

⁽¹⁾

(42)

(56)

(1)

.

. (/2/16) (6/14) (1)

-9

(7/14)
56

-10

(-1/3)

.....

)

(

.

(/6/14)

(28)

-)

()

.

-

-

(

(28)

(56)

.

.

:

-11

) (1/13)

.(

.....

) (3/13)

.....

.(

(%25)

.

(1/13)

99

.

.

: .2

.

.

: .3

.

.

.

(3/4)

.1

(4/3)

(

)

(

14

(2/4)

.2

)

(

)

...)

(

.(...

(30)

(15)

.

(2/7)

.3

(2/7)

)

7

(

.

(1/10)

.4

(1/10)

28

14

.

(9/11)

.5

(

)

):

14

.(

(4/2)

.6

.

.7

14

)

.(

.

.8

.

.9

(-1/3)

(6/14)

(3/13) (1/13)

.10

4.2

(99)

: 1.4.2

(99) .1

1999 1996) (1978)

. (2001

(99) 2004

2012

.2012 (2010)

.2

(5-1)

90 (7-3)

(/2-4)

.2004

(/2-4)

(1-)

(2-)

(3-)

(3-4)

.

.3

(2/3)

.(/1/3)

.4

.

.5

(5/15)

(3/13)

.

.6

1995 (96-95)

1978 (23/78)

1977

.

.7

.

(

)

.8

2010 2009 2007 2005

.

.9

:

-

($\sqrt[1]{3}$)

.

($\sqrt[3]{4}$)

-

.

-

($\sqrt[4]{3}$)

.

(4\20)

-

(2/7)

-

(1/10)

-

(9/11)
(28)

-

$(4/2)$

-

(28)

$(1\backslash16)$

$(2\backslash16)$

$(\backslash2\backslash16)$

-

$(7\backslash14)$

$(6\backslash14)$

-

$(8\backslash14)$

$(9\backslash 6\backslash 1\backslash 1)$

$(1\backslash 13)$

$(\backslash 3\backslash 13)$

(5/15)

-

"

(28)

"

"

.

(3\16)

"(6\19)

(3\16)

-

(6\19)

2.4.2
1

(16)
1987 (13)

⋮

—

•

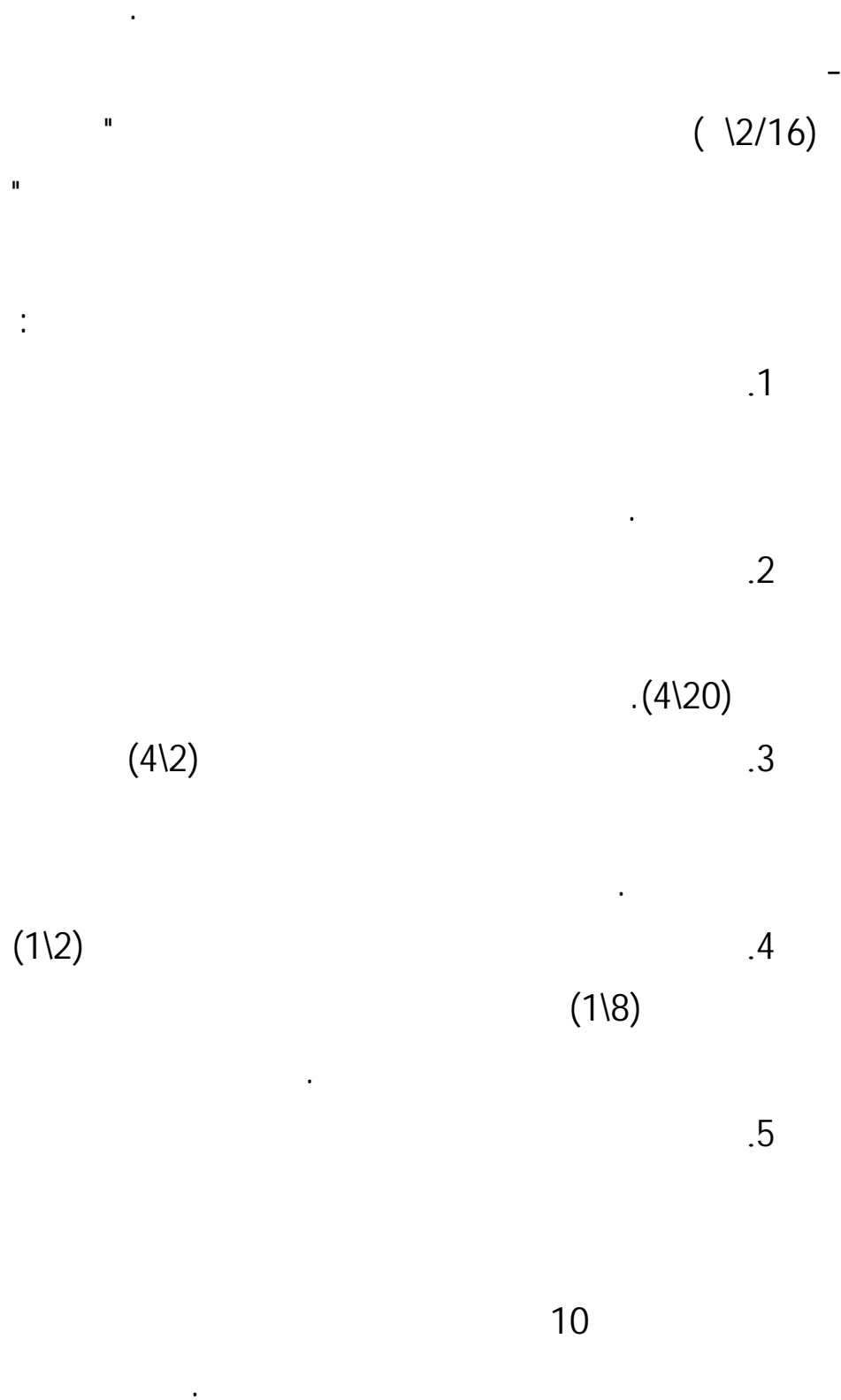
—

•

—

•

—



.6

(5/15)

(6\19)

(4\16)

.

-

(7\13)

(8\13)

(8\13)

.

.

- (2\1)

-

-

(%9)

(%5)

(8\14)

(1\16)

(2\16)

%11

(%9)

.

2

.

3

4

5

:(5-1)

(7\3) -
)

.(

(/2-4) -

)

.(

(/2-4) -

) -

.(

(3-4)

-

.

-

.

6

:

-

.

) (/3)

()

.(.

(6\14)

(3/4)

.

-

(3/4)

.

(4/3)

-

...)

(...

)

14

.(
 (... ...) -
 (2/4)
 (... ...) (2/16)
)
 (2/4)
 .(
 (2/7) -
 7)
 .(
 (1/10) -
 -
 -
 .
 (9/11) -
 .

(... ...)
)

14

.

7

.(

(4/2)

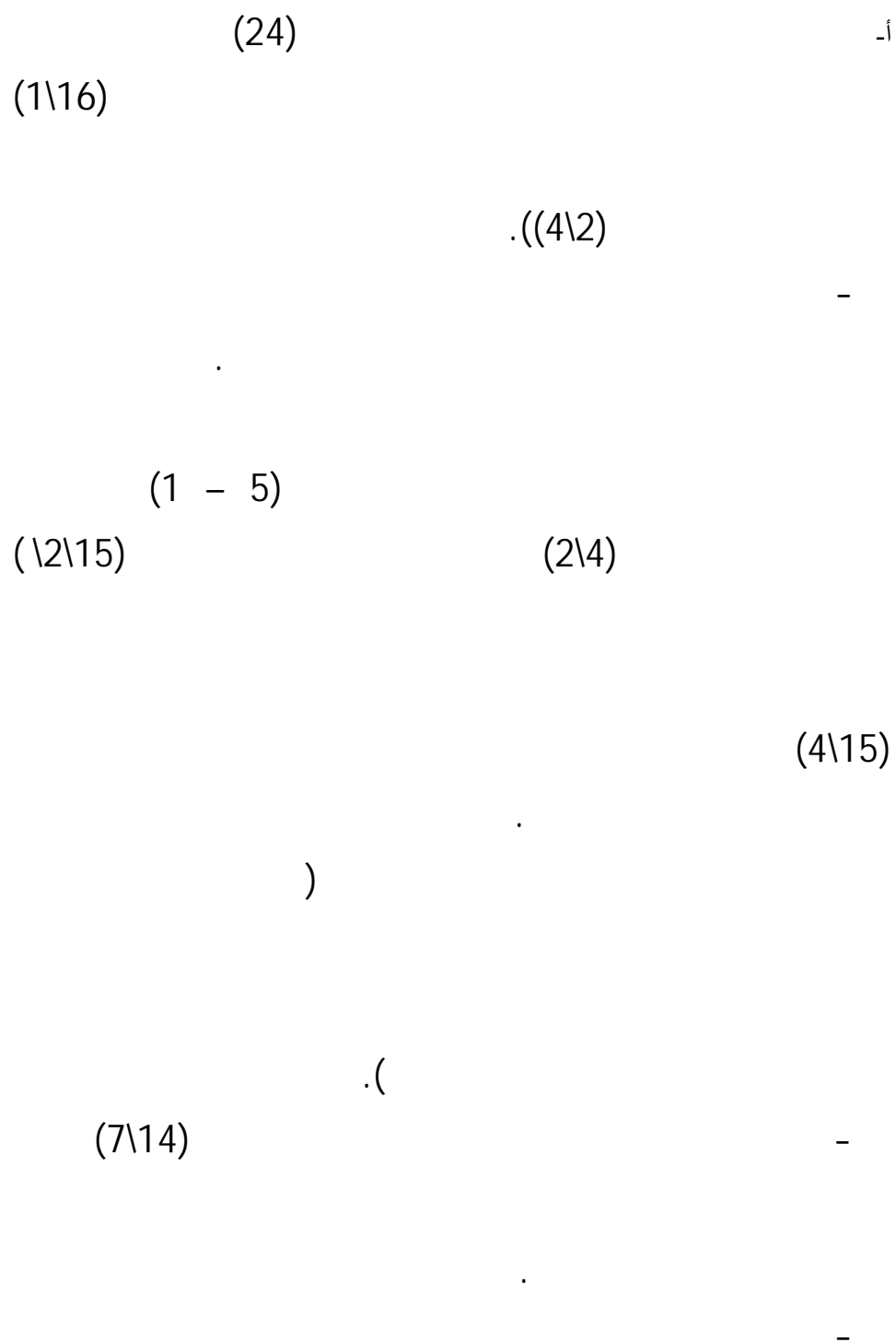
-

.

(\2\16)

)

:



(1\16)

(.)

1998

2010

.1998

2004

1978

2008

()

1992

2002

1996

2010

(B.O.T)

2012
(1999)

2012

2004

2008

4 -1999 -

1994

2007

2002
()

1987

2000

/

1969

(.)

. www.eastlaws.com

2008

1946

2005

1991

1998

2001

1984

1998

(.)

2002

2007

2010

1987

2006

(99)

2008

1987

2002

.()

(.)

1999

()

2005

.

2005

.

2007

.1

()

()

GENERAL PROVISIONS

" Definitions " :_____ (1/1)

()

-:

" The Contract " :_____ 1/1/1

"Contract " : _____ 1/1/1/1

()

" Contract Agreement " :_____ 2/1/1/1

(6/1) ()

"Letter of Acceptance" _____ 3/1/1/1

.

" "

" "

.

"Letter of Tender" _____ 4/1/1/1

: _____

·
"Specifications" : _____ 5/1/1/1

·
"Drawings" : _____ 6/1/1/1

()

·
"Schedules" : _____ 7/1/1/1

·
"Tender " : _____ 8/1/1/1

·
Appendix to Tender "" _____ 9/1/1/1
: _____

"

"

.
 "Bill of Quantities " :_____ 10/1/1/1
 " Day work Schedule" : _____
 " ()

.
 "Parties And Persons" :_____ 2/1/1
 "Party " : _____ 1/2/1/1

.
 ""Employer : _____ 2/2/1/1

.
 "Contractor" :_____ 3/2/1/1
 ()

.
 "Engineer" :_____ 4/2/1/1

. (4/3)

"Contractor's Representative " :_____ 5/2/1/1

. (3/4)

"Employer's Personnel" :_____ 6/2/1/1

(2/3)

Personnel Contractor's : _____ 7/2/1/1

"Sub contractor" : _____ 8/2/1/1

" DAB " _____ 9/2/1/1
: _____

(2/20)

(3/20)

. "FIDIC" 10/2/1/1

"Base Date" : _____ 1/3/1/1

(28)

"Commencement Date" : _____ 2/3/1/1

.(1/8)

"Time for completion" :_____ 3/3/1/1

)

(2/8)

(

.(4/8)

Tests on Completion "" :_____ 4/3/1/1

"

"

(

)

"Taking":_____ 5/3/1/1

"

."

"Tests after Completion"

_____ 6/3/1/1

:_____

()

()

"Defects Notification Period"

:_____ 7/3/1/1

(1/11)

()

)

(3/11:

. (1/10)

"Performance Certificate":_____ 8/3/1/1

.(9/11)

" day":_____ 9/3/1/1

. (365)

"Money And Payments":_____ 4/1/1

"Accepted Contract Amount" : _____ 1/4/1/1

" "

.

"Contract Price " : _____ 2/4/1/1

(1/14)

.

"Cost" : _____ 3/4/1/1

.

"Final Payment Certificate " : _____ 4/4/1/1

(13/14)

.

"Final Statement" : _____ 5/4/1/1

. (11/14)

"Foreign Currency" : _____ 6/4/1/1

()

"Interim Payment Certificate" _____ 7/4/1/1
" "

"Local Currency" : _____ 8/4/1/1

"Payment Certificate " : _____ 9/4/1/1
" "

"Provisional Sum": _____ 10/4/1/1
()

. (5/13)

:"Retention Money" _____ 11/4/1/1

. (9/14)

(3/14)

"Statement" _____ 12/4/1/1
:

. " "

"Works and Goods" : _____ 5/1/1

"Contractor's Equipment" : _____ 1/5/1/1

()

"Goods" : _____ 2/5/1/1

"Materials " : _____ 3/5/1/1

()

"Permanent Works" : _____ 4/5/1/1

"Plant" : _____ 5/5/1/1

"Section" : _____ 6/5/1/1

"Temporary Works" : _____ 7/5/1/1

()

"Works" : _____ 8/5/1/1

"Other Definitions" : _____ 6/1/1

"Contractor's Documents" : _____ 1/6/1/1

()

"Country" : _____ 2/6/1/1

()

"Employer's Equipment" : _____ 3/6/1/1

()

"Force Majeure" : _____ 4/6/1/1

" "

"Laws" : _____ 5/6/1/1

"Performance Security" : _____ 6/6/1/1

()

. (2/4)

"Site" :_____ 7/6/1/1

.

"Unforeseeable" :_____ 8/6/1/1

.

"Variation" : (_____)_____ 9/6/1/1

. "

"

"Interpretation" : _____ (2/1)

-:

.

-

-

.

" " "

" " "

-

.

" " " " _

.

.

"Communications" : _____ (3/1)

-:

)

-

(

-

-:

.1

.2

.

.

"Law and Language" : _____ (4/1)

()

.

.

" ()

."

"Priority of Documents" : _____ (5/1)

:-

. () -1

. -2

. -3

. -4

. -5

. -6

. -7

. -8

.

"Contract Agreement" : _____ (6/1)

(28)

.

()

.

"Assignment" : _____ (7/1)

:

-

-

"Care and Supply of Documents"

(8/1)

: _

.

.

"

"

(6)

.

"

"

.

()

.

.

·
"Delayed Drawings or
Instructions"

_____ (9/1)
: _____

·
/

·
-: (1/20)

(8/4)

·
-
-
(5/3)
·

.

(10/1)

"Employer's Use of Contractor's Documents "

"

"

. ()

-:

-

-

-

.

()

()

. " "

:_____ (11/1)
""Employer's Use of Contractor's Documents

.()

.

.
"Confidential Details":_____ (12/1)

.
""Compliance with Laws:_____ (13/1)

-:

()

-

-

Joint and Several : _____ (14/1)
Liability "

()

-:

-

-

-

()	
()	7
Performance Guarantee	

()
() 7

Performance Guarantee

..... :
..... :
.....
.....

(/)

(....) : :
.....

-
-
-
-
.

.....
"
.....
.....
..... : /
..... :
..... :

()

2

Appendix to Tender

()

2

Appendix to Tender

:

:

	2/2/1/1 3/1	: :
	4/2/1/1	: :
	3/2/1/1 3/1	: :
()		
(%5)		
()	3/3/1/1	
(365)	7/3/1/1	
(7)	1 /2	
(15)	1 /8	
(28)	1/10	
(14)	1/18	
" " (%10)	2 /4	

" "	(%10)	2/14	
	[]	2/20	
	[]		
	(60)	2/20	
	(%10)	3/14	
" "	(%5)	3/14	
	()	3/18	
		3/20	.
		4 /1	
		4 /1	
		4 /1	
(6)	(8)	5 /6	
%15		-5/13	" "
		5/14	
	()	6/14	
		6/20	.
	[]	6/20	
	[]		
		6/20	
	()	7 /8	

(%15)	7 /8	
	7/14	
	8/13	:
(%9)	8/14	()
[]] [9 /4	
()	13/8	
	15/14	
	(3/3/1/1)	(6/5/1/1)

()

Form of Contract Agreement

()

Form of Contract Agreement

..... :

.....:

.....

.....

..... :

" "

"

..... :

"

..... :

.....

.....

- :

-1

.

" "

-2

:

" " -

.....

..... -

..... :	-	
()	-	
	-	
	-	
. ()	-	
..... :	"	-3
..... "	"	
		-4
		-5
		"
()	()	
..... : :	
..... : :	
..... : :	
..... : :	

()

Letter of Tender

()

Letter of Tender

..... :

.....:

..... : ()

.....:

..... :

.

"

"

"

"

.

(90)

"

.

"

"

(2/4)



:

:

:

2013 :

:

: